

Message Text

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C O N F I D E N T I A L GENEVA 3009

LIMDIS

E.O. 11652: GDS

TAGS: PFOR

SUBJECT: CSCE: STATUS OF NEGOTIATIONS ON BASKET III ISSUES

REF: DAVISON-MARESCA TELECON, MAY 13

FOR EUR/RPM

SUMMARY: IN RESPONSE TO THE REFERENCED TELECON, WE TRANSMIT BELOW A STATUS REPORT INDICATING THE KEY NEGOTIATING PROBLEMS IN BASKET III. WE HAVE DIVIDED OUR REPORT ACCORDING TO SUBJECTS CURRENTLY IN DRAFTING, AND THOSE WHICH HAVE NOT YET BEEN BROACHED. END SUMMARY.

1. AS WE HAVE REPORTED IN OUR WEEKLY HIGHLIGHTS CABLES, PROGRESS IN THE FREER MOVEMENT SUBJECTS OF BASKET III HAS BEEN GLACIAL. THIS IS BECAUSE: (A) THE SOVIETS HAVE REFUSED THE NORMAL PROCEDURE OF BRACKETING DIFFICULT TEXTS, INSISTING ON ELIMINATING OR REDRAFTING THEM IN FORMS WHICH ARE SO WATERED DOWN THAT THEY BECOME MEANINGLESS, AND (B) CONFIDENTIAL

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THE WEST HAS REFUSED TO BY-PASS DIFFICULT QUESTIONS WHICH

MIGHT THEN BE SQUEEZED OUT BY TIME PRESSURE AS THE CSCE NEARS COMPLETION. THIS CONFLICT HAS PRODUCED FEW TEXTS BUT RELATIVELY CLEAN ONES. ANOTHER RESULT HAS BEEN THAT SEVERAL TOUGH PROBLEMS HAVE NOT YET REACHED THE DRAFTING PROCESS IN WHICH SPECIFIC POINTS OF DISAGREEMENT AND THE DEGREE OF DETERMINATION BEHIND POSITIONS ARE EXPOSED. IN ADDITION, SOLUTION TO THESE PROBLEMS DOES NOT ALWAYS DEPEND ON A WORD OR PHRASE WHICH CAN BE IDENTIFIED IN ADVANCE. RATHER THE RESOLUTION IN EACH CASE IS A TEXT DEVELOPED THROUGH THE CONTINUING GIVE AND TAKE OF DEBATE AMONG WESTERN AND NEUTRAL DELEGATIONS, AND BETWEEN THEM AND THE SOVIETS. ONLY TOWARD THE END OF THIS PROCESS DO KEY WORDS OR PHRASES SOMETIMES EMERGE. FOR THIS REASON WE WOULD CAUTION AGAINST ANY ATTEMPTS TO WORK OUT SOLUTIONS OUTSIDE OF THE MULTILATERAL DISCUSSIONS AT CSCE.

2. CURRENT DRAFTING ISSUES:

A. ACCESS TO PRINTED INFORMATION (ITALIAN AND SWISS PAPERS). THIS TOPIC HAS BEEN THE FOCUS OF DRAFTING EFFORTS IN THE INFORMATION SUBCOMMITTEE SINCE MARCH 29, AND IS A GOOD EXAMPLE OF THE PROCESS DESCRIBED ABOVE. THE KEY ISSUE AT PRESENT IS THE "RIGHT TO SUBSCRIBE" TO FOREIGN PUBLICATIONS. BRITISH, ITALIAN, FRENCH, BELGIAN, AND SWISS DELEGATIONS ARE LEADING ADVOCATES FOR A BROADLY SUPPORTED WESTERN POSITION. ALTHOUGH THE WORD "SUBSCRIPTION" WAS CONTAINED IN AN EARLIER HUNGARIAN PAPER, THE SOVIETS NOW STATE FLATLY THAT IT CANNOT BE MENTIONED. THEY WANT TO ENCOMPASS THIS IDEA IN A REFERENCE TO "OTHER MEANS" OF OBTAINING PRINTED INFORMATION. THE OTHER OPEN QUESTIONS UNDER THIS SUBJECT-- A PRECISE WORD TO DESCRIBE WHO SHALL HAVE ACCESS, POSSIBILITIES FOR DISPLAY OF FOREIGN PUBLICATIONS, AND WHETHER POINTS OF SALE WILL BE IN "PLACES FREQUENTED BY THE PUBLIC"--WILL PROBABLY BE WORKED OUT WITHOUT TOO MUCH DIFFICULTY.

B. REUNIFICATION OF FAMILIES (CANADIAN PAPER). THIS TOPIC HAS BEEN UNDER DISCUSSION IN THE HUMAN CONTACTS SUBCOMMITTEE SINCE MARCH 20. IT HAS BEEN REDUCED TO THREE AREAS OF CONFLICT: THE FIRST, THE RIGHT OF EMIGRANT CONFIDENTIAL

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TING PERSONS TO TAKE SAVINGS AND PROCEEDS FROM SALE OF PERSONAL EFFECTS OUT OF THEIR COUNTRY OF ORIGIN, HAS UNANIMOUS WESTERN SUPPORT AGAINST ADAMANT SOVIET RESISTANCE. THE SECOND FOCUSES ON WHETHER PERSONS CAN BE REUNITED WITH THEIR FAMILIES "IN ANOTHER COUNTRY" OR ONLY IN "ANOTHER PARTICIPATING STATE." USDEL, SUPPORTED BY UK AND FRG, FEELS STRONGLY THAT POSSIBILITIES FOR FAMILY REUNIFICATION SHOULD NOT BE LIMITED TO THE CSCE

PARTICIPATING STATES. WE FEEL THAT THIS WOULD MAKE A CONSIDERABLE DIFFERENCE IN THE ACCEPTABILITY OF THE FINAL CSCE DOCUMENTS TO INTERESTED ELEMENTS OF THE US CONGRESS AND PUBLIC. THE SOLUTION HERE IS COMPLICATED BY THE FACT THAT SOME GENERAL WORDINGS ACCEPTABLE TO US VIOLATE UK OR FRG INSTRUCTIONS TO BE AS SPECIFIC AS POSSIBLE. THE THIRD, PROTECTION OF THE LEGAL RIGHTS OF EMIGRATION APPLICANTS AND THEIR FAMILIES, HAS STRONG WESTERN SUPPORT, INCLUDING THAT OF USDEL. THE SOVIET POSITION ON ALL THREE OF THESE POINTS HAS RECENTLY ALTERED FROM A FLAT REFUSAL TO CONSIDER THEM TO A SLOW SEARCH FOR VAGUE OR AMBIGUOUS LANGUAGE WHICH MAY BE ACCEPTABLE TO THEM.

C. ESTABLISHMENT OF LIBRARIES AND READING ROOMS (FRENCH PAPER). THIS ISSUE HAS BEEN UNDER DISCUSSION IN THE CULTURAL SUBCOMMITTEE SINCE APRIL 23. THE BASIC PROPOSAL IS FRENCH AND HAS STRONG WESTERN SUPPORT. THE SOVIETS HAVE BEEN ENTIRELY NEGATIVE AND HAVE DECLINED EVEN TO DISCUSS POSSIBLE COMPROMISE LANGUAGE. WE HAVE SUCH INSTITUTIONS IN YUGOSLAVIA AND ROMANIA AND USDEL BELIEVES IT WILL BE IMPORTANT TO WESTERN COUNTRIES TO HAVE SOME REFERENCE TO THIS SUBJECT IN THE FINAL CSCE DOCUMENTS. IF THE SOVIETS WERE SOMEWHAT MORE FLEXIBLE, A COMPROMISE SOLUTION MIGHT BE WORKED OUT.

3. FUTURE ISSUES. THE FOLLOWING ISSUES HAVE NOT BEEN WORKED OVER IN THE DRAFTING PROCESS, SO THE SPECIFIC AREAS OF CONFLICT ARE NOT AS CLEAR AS FOR THOSE CURRENTLY UNDER DISCUSSION. THE GENERAL PATTERN IS AS FOLLOWS:

A. PRIMARY ISSUES:

(1) MARRIAGE BETWEEN NATIONALS OF DIFFERENT STATES (ITALIAN AND NORWEGIAN PAPRS). THIS ENCOMPASSES MANY OF THE SAME
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ISSUES AS FAMILY REUNIFICATION. THE KEY PROBLEM WILL PROBABLY BE FINDING PHRASEOLOGY TO COVER THE RIGHT TO RELOCATE TO THE SPOUSE'S COUNTRY. THERE WILL BE STRONG WESTERN SUPPORT FOR A CLEAR STATEMENT OF THIS RIGHT.

(2) FREER TRAVEL FOR ALL (DANISH PAPER). THE EC-9 ARE COMMITTED TO GETTING A GOOD, SIMPLE STATEMENT CONFORMING TO THE GENERAL PRINCIPLE OF FREER MOVEMENT. THIS IS CERTAIN TO BE STRONGLY RESISTED.

(3) IMPROVED WORKING CONDITIONS FOR JOURNALISTS (FRG AND SWISS PAPERS). THIS GENERAL CONCEPT HAS STRONG EC-9/ NEUTRAL SUPPORT. WHILE IT HAS BEEN INFORMALLY REPORTED THAT THE SOVIETS HAVE SOME FLEXIBILITY HERE, IT WILL PROBABLY NOT BE ENOUGH. TO SATISFY WESTERN AND NEUTRAL DELEGATIONS THERE WILL HAVE TO BE SOMETHING ON THE RIGHT OF JOURNALISTS TO TRAVEL, RE-ENTRY RIGHTS WITHOUT PENALTY

FOR UNFAVORABLE REPORTING, AND THE RIGHT TO APPEAL EXPULSION.

B. SECONDARY ISSUES:

(1) BROADCAST INFORMATION. SOVIET CESSATION OF JAMMING CAUSED THE EC-9 TO MOVE THIS PROBLEM TO A BACKBURNER. IF THE SOVIETS HANDLE IT WELL THEY CAN PROBABLY GET A TEXT THEY CAN ACCEPT WITHOUT DIRECT MENTION OF JAMMING. ON THE OTHER HAND, THEY CAN RAISE IT TO A PRIMARY ISSUE FOR THE USG IF THEY SHOULD ATTEMPT TO INSERT ANTI-RL/RFE LANGUAGE.

(2) RELAXATION OF CLOSED AREAS (BELGIAN PAPER). THE EC-9 CURRENTLY DO NOT FEEL THERE IS ENOUGH TO BE GAINED HERE TO JUSTIFY A MAJOR EFFORT. NEVERTHELESS, THE TOPIC COULD CAUSE PROBLEMS IF OTHER THINGS GO SOUR.

C. OTHER POTENTIAL PROBLEMS:

(1) FREEDOM OF ASSEMBLY FOR RELIGIOUS PURPOSES. THE HOLY SEE HAS TABLED A PAPER ON THIS SUBJECT WHICH MAY CAUSE TROUBLE FOR THE SOVIETS. VATICAN REPS ARE ENROLLING CO-SPONSORS, AND THE SUBJECT IS LIKELY TO APPEAL TO MANY WESTERN DELEGATIONS.

(2) BASKET III PREAMBLE. IF FACED WITH THE NEED TO GIVE MORE THAN THEY ANTICIPATED IN SOME OF THE ABOVE AREAS, CONFIDENTIAL

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THE SOVIETS COULD INSIST ON MORE SPECIFIC PREAMBULAR PROTECTION THAN A REFERENCE TO THE LIST OF PRINCIPLES GUIDING RELATIONS BETWEEN STATES.ABRAMS

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